

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs November 6, 2007

**STATE OF TENNESSEE v.
CHRISTOPHER CARNEY and ANTHONY MITCHELL**

**Direct Appeal from the Circuit Court for Haywood County
Nos. 5814, 5821, & 5844 Clayburn L. Peeples, Judge**

No. W2007-00705-CCA-R3-CD - Filed April 8, 2008

JAMES CURWOOD WITT, JR., J., concurring.

I concur in the results but would have deferred to the trial court's rationale for dismissing the indictments had it availed the State a prior opportunity to resist the dismissal.

JAMES CURWOOD WITT, JR., JUDGE
